

**Driver v R**

**22 December 2004**

A Darwin jury acquitted the applicant of two counts of rape and found him guilty of one count of assault with circumstances of aggravation. The applicant was sentenced to 16 months imprisonment. A non-parole period of 12 months was fixed.

The applicant applied for leave to appeal on the grounds that the prosecution had failed to disclose to the applicant before or during his trial relevant material relating to the credit of the complainant thus resulting in a miscarriage of justice.

The Crown did not oppose the grant of leave nor the grant of bail pending the hearing of the appeal.

The appeal had not been listed for hearing as at 30 June 2005.